

Supplementary report to the Planning Applications Committee
on 29 January 2020

LW/19/0534
Seaford

Page 41

Representations have also been received from 2, 3, 10, 14 and 16 Firle Grange, objecting to the application for the following reasons:

- Out of character
- Over development
- Traffic generation
- Harm to wildlife resulting from cladding
- Not in keeping
- Overbearing building/structure
- Overlooking, loss of privacy
- Overshadowing

[Officer Note]: It is considered that these concerns have been addressed in the main report.

An additional representation has been received from 6 Firle Grange, amplifying the objections to the proposed cladding of the property, highlighting the position of the dwelling in the street and drawing attention to the objection from Seaford Town Council and planning policy in respect of Areas of Established Character. The letter also states that the energy efficiency resulting from the cladding of the building should carry little weight and that an electric vehicle charging point should be capable of installation without the need for planning permission.

The letter states that the main report, at paragraph 6.6, reads that the alterations will only affect the front elevation.

[Office Note]: The report does state at paragraph 6.8 that, “the proposed change of external materials from facing brick to cream weatherboarding would materially alter the appearance of the whole dwelling.”

SDNP/19/05065/FUL
Newhaven

Page 71

Additional conditions added:

With 28 days of the date of this decision the existing single storey holiday let building shall be removed from its current location and relocated to the location approved by this permission, and the land at the former location shall be restored to its former condition.

Reason: To ensure that there is no detrimental impact on the character or appearance of the surrounding countryside having regard to Policy SD4 Landscape Character of the SDNP Local Plan.

Supplementary report to the Planning Applications Committee
on 29 January 2020

Development shall not begin until details of foul and surface water drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The approved drainage works shall be implemented prior to the resitting of the mobile home.

Reason: To secure a satisfactory standard of development having regard to Policy SD5 of the SDNP Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

Further representation received -

We write regarding the Director of planning's report to the committee which recommends the application detailed above be approved.

This is contrary to the Council's previous two refusals for retention of the cabin as a holiday let as the reasons for previous refusal have not been addressed in this new application. For your convenience I have attached the letter from LDC and the appeal decision letter from the Planning Inspectorate highlighting the reasons for previous refusal. The revised proposal will still see the holiday home located near the row of stables and will still be visible from the footpath along the farm's access.

The proposal advises that there will be 4 meters distance between the South Western boundary and 4.7 meters from the South Eastern boundary. The overall available space in total measures 17 meters from the SE boundary to the NE boundary. In the original council's document, it states the cabin measures 15.5 meters x 6.6 meters, therefore for the 4-meter gap to be preserved from the SW boundary, considerable groundworks would be required adjacent to the stables as the ground rises steeply in this area. We are concerned that due to this lack of space the cabin will be situated closer to our boundary breaching the 4m gap.

The Director of Planning has stated that he does not consider the holiday let will overshadow or overlook the neighbouring properties as there is already an adjacent B&B. These are not comparable on the same basis as the B&B faces away from our property and has no windows or amenity area adjacent to us whereas the application property will have windows overlooking our property and the only amenity area available will be adjacent to our property which is only separated by a 4 foot high breeze block wall. This will not offer suitable privacy for either party.

We also respectfully request the committee note that in his planning report the Director of Planning appears to have selectively and inaccurately recorded our representation's objections as being for the following reasons:

- Application site is The Stables and not Foxhole Farmhouse – this is not an objection but merely a reasonable request for amendment so that it does not appear to be our property making the planning application.

Supplementary report to the Planning Applications Committee
on 29 January 2020

- Existing unauthorised cabin may not be removed – this was not an objection we made.
- Proposal is to add a new log cabin rather than move the existing one – this was not an objection we made and is inaccurate. We are fully aware this is an application to move the existing cabin to a different location as the existing cabin has an enforcement notice lodged for removal by the end of this month.

We are disappointed that the objections we made on planning grounds have not been represented within the Planning Director's report. So that these are represented please find attached Mr Campion's letter on our behalf which puts forward clear and reasoned arguments based on planning grounds and strategic policies for your consideration.

In conclusion:

- The "solution" to the problem of what to do with an unauthorised structure is not to contrive a way of retaining it. The proposal does not comply with SD23, nor is it sustainable in terms of SD1.
- The new location will still be near to the row of stable buildings with which the holiday let has an unsympathetic and discordant relationship due to the contrasting external materials and design detailing.
- It will still be visible from the public footpath.
- The siting and the design of the cabin will not respect the character of neighbouring buildings and area causing harm to the natural beauty of the area.
- The proposed development would overshadow and overlook our property and, due to the nature of holiday let, would result in increased site activity, additional noise, traffic and lighting to the detriment of local residential amenity.
- It does not constitute sustainable development as it adversely affects the character, appearance and amenity of the area.

For the reasons detailed above, the development is not one that justifies the SDNPA overriding its primary duty to "conserve and enhance" (i) at the expense of "promoting opportunities to enjoy the special qualities of the National Park" (ii). The application should therefore be refused.

Copy of previous appeal decision APP/Y9507/W/17/3186565 attached.



Appeal Decision

Site visit made on 12 January 2018

by **Jonathan Hockley BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8th February 2018

Appeal Ref: APP/Y9507/W/17/3186565

Foxhole Farm, Seaford Road, Newhaven BN9 0EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Gary Lownds against the decision of South Downs National Park Authority.
 - The application Ref SDNP/17/03101/FUL, dated 16 June 2017, was refused by notice dated 25 September 2017.
 - The development proposed is the relocation and retention of mobile home for holiday let.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed mobile home on the character and appearance of the landscape and natural beauty of the National Park.

Reasons

3. Foxhole Farm lies to the east and south east of the settlement of Newhaven, and is well separated from the town by open fields. The Farm is accessed by a track off the fairly busy A259. There are a number of houses located at the lower ends of the track, which climbs fairly steeply towards the Farm. The Farm itself contains a range of agricultural buildings, mainly consisting of stables and a barn/stables sited in a line running approximately from north west to south east. Although of varying roof heights and sizes, the front and rear building lines of these buildings are roughly lined up. The south eastern most stable block has an old truck trailer and ship container sited between it and the farm access track.
4. The farm is criss crossed with public footpaths, with one such path leading up the access track from the A259, where it meets a path heading from the direction of Newhaven. This path forms a route heading roughly parallel to the cluster of barns and stables and visually forms the edge of the farm buildings. The only exception to this is a large log cabin style mobile home, which is sited in a field to the east of the path. This cabin is constructed in dark wood with lighter wood window frames and has a felted pitched roof. The proposal seeks to relocate this mobile home to the south east of the line of stables.

5. At present the home is used as temporary accommodation while a permanent dwelling on the site is being constructed. Evidence submitted by the appellant suggests that despite various issues the works required to complete the dwelling are not substantial. The proposal seeks to reuse the large mobile home as a holiday let. A previous application and appeal to retain the home as a holiday let where it is currently sited was refused and dismissed respectively.
6. Policies ST3 and CT1 of the Local Plan¹ state that development should respect the scale, height, massing, alignment, character, rhythm and layout of neighbouring buildings and materials should be of a quality, type, colour and design which is appropriate to the character of the area. Development should be contained within planning boundaries, aside from some exceptions such as, amongst others, certain tourism proposals.
7. Policy CP05 of the Joint Core Strategy² states that key strategic objectives are to take advantage of the richness and diversity of the districts natural assets to promote and achieve a sustainable tourism industry in and around the district and support the rural economy. Policy CP10 of the same plan states that development will be resisted if fails to conserve and appropriately enhance its rural landscape qualities and its natural and scenic beauty.
8. National Parks are landscape designations of national importance. The National Planning Policy Framework (the Framework) states that great weight should be given to conserving landscape and scenic beauty in National Parks, which have the highest status of protection in relation to such matters.
9. Policy SD23 is contained within the South Downs Local Plan, which is an emerging plan. The copy I have is stated to be a pre-submission consultation from September 2017. The Framework states that weight can be given to relevant policies in such plans according to the state of preparation of the emerging plan. Policy SD23 states that proposals for visitor accommodation will be permitted where it is demonstrated that they will, amongst other criteria, not detract from the character, appearance or amenity of the area, the design of new buildings are sensitive to the character of the area, positively contribute to the natural beauty of the National Park, are closely associated with other established tourism uses, and are part of farm diversification schemes.
10. The current siting of the mobile home is in a conspicuous position, in clear view from the wider landscape and adjoining public rights of way. The proposed relocation of the home would site the structure in a less conspicuous location, where it would not be visible from the more elevated elements of the public footpath to the north west and south east. Nevertheless, the proposed siting of the cabin would still be clearly visible from the footpath along the farm's access and from closer sections of the path that this track meets.
11. The appellant provides details of various cases where log cabins and other holiday accommodation has been allowed within the National Park. However, I only have limited details of these consents and note that log cabins may be appropriate depending on the characteristics of the immediate area and the design of the cabins themselves. However, in this case the design of the log cabin does not match the direct character of the area, which is characterised by

¹ Lewes District Local Plan, March 2003.

² Lewes District Local Plan Part 1 Joint Core Strategy 2010-2030, May 2016

red brick or pale render/painted brick houses and flint dressed walls, and would clash against the much paler wood panelling of the stables immediately behind. Furthermore, I consider that the siting of the cabin would appear incongruous, sited very close to the rear elevation of the stable block. The siting of a large log cabin, with various windows on both main elevations would appear awkward and inappropriate located cheek by jowl to the rear of this agricultural structure to users of the public footpath, and would not be sensitive to the character of the area.

12. The appellant considers that the proposal would provide a benefit in terms of removing existing unsightly paraphernalia. However, while not attractive, the existing lorry trailer and ship container appear to be temporarily located and are not uncommon structures to see in an agricultural setting. The siting and size of the cabin would conversely appear out of place within such a setting.
13. I sympathise with the appellant's situation with regards to the construction of the permanent dwelling, and appreciate the aim of the proposal in providing a much needed additional source of income to the farm. The proposal would generate economic and social benefits and the principle of the development would accord with local and national policy objectives to support tourism within the National Park, but the siting and design of the cabin would not respect the character of neighbouring buildings and its materials would not be appropriate to the character of the area, causing harm to the natural beauty of the area and failing to conserve and enhance the high quality and character of the rural environment. National Parks have two purposes, both conservation and encouraging recreation, and there is a need to achieve a balance between these purposes. Where there is a conflict between these purposes, greater weight should be attached to the conservation purpose.
14. I therefore conclude that the proposed mobile home would have an adverse effect on the character and appearance of the landscape and natural beauty of the National Park. The proposal would not constitute sustainable development overall and would be contrary to policies ST3 and CT1 of the Local Plan, CP05 and CP10 of the Joint Core Strategy, and to the Framework. Given the status of the emerging plan, I give limited weight to policy SD23 of this plan. Nevertheless, I consider that the proposal would also be contrary to this policy as it would detract from the appearance of the area, and its design would not be sensitive to the character of the area.
15. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR